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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,986	10/08/2003	Derek Owen	60,130-1891;03MRA0488	6481
26/096 7590 01/30/2009 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER SCHWARTZ, CHRISTOPHER P	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 01/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,986

Applicant(s)

OWEN ET AL.

Examiner

Christopher P. Schwartz

Art Unit

3657

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Applicant's response filed October 20, 2008 has been received. Claims 27-46 are now pending.

Claim Rejections - 35 USC § 112

2. Claims 27-33,38-42,44-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The intermediate formation of the product is shown in figures 3 and 4. The final step of the product, the crimped step, is shown in figure 5. Applicant's have not shown how the intermediate product has separate utility (or is separately patentable) from the final product. Therefore, it is unclear where the polygonal inner perimeter portions and clipped ends are in the final product. For purposes of appeal and rejection of the claims, it is the final product shown in figure 5 which will be given most weight.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10193944 (JP '944) in view of Sugita et al. '381.

Regarding claims 27-43 JP '944 shows in figure 3 a collar for a stabilizer bar but lacks a showing of the first and second inner polygonal portions (shown in the area of 7 in JP '944) formed adjacent to the first and second clipped ends with the first and second portions having second and third surfaces that are non-perpendicular to a first surface.

Sugita et al. '381 is relied upon to show it is notoriously well known in the art to provide the inner perimeter portions of the collar with projections as shown at 22 to prevent slippage. Although not applied, also see the ribs of 5 in Domer. Note the shapes of the projections.

It would have been obvious to the ordinary skilled worker in the art at the time of the invention to have provided the inner semi-circular perimeter portions of JP '944 with projections, as shown at 22 in Sugita et al., so that the collar of JP '944 may be used with different stabilizer bar configurations. Note that providing the collar with these type of projections would then meet the claimed limitations, discussed above.

5. Claims 27-30,33-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '437 in view of JP '944 and Sugita et al...

Regarding claims 27-43 JP '437 shows in the embodiments of figures 4-6 a collar(s) closely resembling applicant's.

Lacking is a showing of the clipped areas and the semi-circular inner perimeter portion (in figure 5, but shown in figure 6) and the clipped ends. However note the pinched areas in the final step shown in figure 6.

The reference to JP '944 teaches the clipped ends as shown in figure 3. It also shows an inner semi-circular perimeter.

The reference to Sugita et al. is relied upon as described above for showing the trapezoidal shaped projections at 22.

One having ordinary skill in the art at the time of the invention would have found it obvious to have provided JP '437 with such clipped ends, as taught by JP '944, simply to make the crimping process easier (as shown in figure 6), to adapt the collar to different stabilizer bar arrangements, or to accommodate a different type of crimping tool. It also would have been obvious to have provided the inner perimeter portion of JP '437 with projections as taught by Sugita et al. to more firmly secure the collar to the rod, or to adapt it to different rods.

With respect to claim 34 the modifications are with respect to the embodiment of the collar shown in figure 4.

6. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '437 in view of Sugita et al..

This rejection is relied upon as explained in the previous paragraph.

Response to Arguments

7. Applicant's arguments with respect to claims 27-46 have been considered but are moot in view of the new grounds of rejection.

The 112 first paragraph rejection is maintained because it is unclear from the specification what separate utility the intermediate product shown in figures 3 and 4 has with respect to the "after-crimped", or in-use condition, shown in figure 5. Or to use the

language of MPEP 806.05(J) how is the intermediate product mutually exclusive, or distinct, from the final product shown in figure 5. Presumably, the device of figures 3 and 4 would be shipped to a parts supplier in this form. Applicant's have not made this clear.

The examiner maintains the rejection of JP '944 in view of Sugita et al. '381 since it is abundantly clear that such a modification to JP '944 with the trapezoidal shaped projections shown by Sugita would meet all of the claimed requirements.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P. Schwartz/
Primary Examiner, Art Unit 3683

1/29/09